

SENATE BILL 264

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 71,
Chapter 3, relative to in-home childcare
operations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-3-501, is amended by adding the following as a new subdivision:

() "In-home childcare" means services provided within the residence of the primary caregiver, without the assistance of additional staff who are unrelated to the primary caregiver;

SECTION 2. Tennessee Code Annotated, Section 71-3-503(a), is amended by adding the following as a new subdivision:

(12) An in-home childcare operation that provides care for no more than ten (10) children at the same time, including children related to the primary caregiver; that receives a signed waiver from each child's parent or legal guardian, stating that the parent or legal guardian consents to the child being cared for by the caregiver, and that the parent or legal guardian is aware that the caregiver is unlicensed. The primary caregiver shall maintain signed waiver forms for each child that is unrelated to the primary caregiver and shall make the signed forms available to the department upon request. To qualify for an in-home childcare operation exemption, the operation must comply as follows:

(A) The in-home childcare operation shall register with the department by providing, at a minimum, the address of the residence at which the care will be provided, the name of the primary caregiver, and their intent to conduct in-home

child care under this exemption. The operation shall maintain records that include, at a minimum, the children's names, ages, addresses, dates and times of attendance, the parents' or custodians' names, addresses, and the telephone numbers of persons to contact in the event of an emergency. All records must be made available at any time to any authorized representative of the department; and

(B) Failure to comply with the requirements of this subdivision (a)(12) subjects the violator to a civil penalty by the department not to exceed five hundred dollars (\$500) for the first violation and not to exceed one thousand dollars (\$1,000) for subsequent violations. The department may seek injunctive relief in the chancery or circuit court of the county where the place or facility is located to prevent further operation of the place or facility or to obtain entry to conduct any inspection of the operation;

SECTION 3. The department of human services is authorized to promulgate rules to effectuate the purposes of act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 4. This act takes effect January 1, 2022, the public welfare requiring it.